
ENGROSSED SUBSTITUTE HOUSE BILL 2043

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Kirby, Campbell and Carrell)

READ FIRST TIME 03/04/03.

1 AN ACT Relating to dangerous or potentially dangerous dogs; and
2 amending RCW 16.08.070, 16.08.090, and 16.08.080.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 16.08.070 and 2002 c 244 s 1 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout RCW 16.08.070 through 16.08.100.

8 (1) "Potentially dangerous dog" means any dog that when unprovoked:

9 (a) Inflicts bites on a human or a domestic animal either on public or
10 private property, or (b) chases or approaches a person upon the
11 streets, sidewalks, or any public grounds in a menacing fashion or
12 apparent attitude of attack, or any dog with a known propensity,
13 tendency, or disposition to attack unprovoked, to cause injury, or to
14 cause injury or otherwise to threaten the safety of humans or domestic
15 animals.

16 (2) "Dangerous dog" means any dog that (a) inflicts severe injury
17 on a human being without provocation on public or private property, (b)

1 kills a domestic animal without provocation while the dog is off the
2 owner's property, or (c) has been previously found to be potentially
3 dangerous because of injury inflicted on a human, the owner having
4 received notice of such and the dog again aggressively bites, attacks,
5 or endangers the safety of humans.

6 (3) "Severe injury" means any physical injury that results in
7 broken bones or disfiguring lacerations requiring multiple sutures or
8 cosmetic surgery.

9 (4) "Proper enclosure of a dangerous dog" means, while on the
10 owner's property, a dangerous dog shall be securely confined indoors or
11 in a securely enclosed and locked pen or structure, suitable to prevent
12 the entry of young children and designed to prevent the animal from
13 escaping. Such pen or structure shall have secure sides and a secure
14 top, and shall also provide protection from the elements for the dog.

15 (5) "Animal control authority" means an entity acting alone or in
16 concert with other local governmental units for enforcement of the
17 animal control laws of the city, county, and state and the shelter and
18 welfare of animals.

19 (6) "Animal control officer" means any individual employed,
20 contracted with, or appointed by the animal control authority for the
21 purpose of aiding in the enforcement of this chapter or any other law
22 or ordinance relating to the licensure of animals, control of animals,
23 or seizure and impoundment of animals, and includes any state or local
24 law enforcement officer or other employee whose duties in whole or in
25 part include assignments that involve the seizure and impoundment of
26 any animal.

27 (7) "Owner" means any person, firm, corporation, organization, or
28 department possessing, harboring, keeping, having an interest in, or
29 having control or custody of an animal.

30 (8) "Dog" includes wolf-dog hybrids.

31 **Sec. 2.** RCW 16.08.090 and 1987 c 94 s 3 are each amended to read
32 as follows:

33 (1) It is unlawful for an owner of a dangerous dog to permit the
34 dog to be outside the proper enclosure unless the dog is muzzled and
35 restrained by a substantial chain or leash and under physical restraint
36 of a responsible person. The muzzle shall be made in a manner that

1 will not cause injury to the dog or interfere with its vision or
2 respiration but shall prevent it from biting any person or animal.

3 (2) Potentially dangerous dogs shall be regulated only by local,
4 municipal, and county ordinances. Nothing in this section limits
5 restrictions local jurisdictions may place on owners of potentially
6 dangerous dogs.

7 (3) Dogs shall not be declared potentially dangerous or dangerous
8 if the threat, injury, or damage was sustained by a person who, at the
9 time, was committing a wilful trespass or other tort upon the premises
10 occupied by the owner of the dog, or was tormenting, abusing, or
11 assaulting the dog or has, in the past, been observed or reported to
12 have tormented, abused, or assaulted the dog or was committing or
13 attempting to commit a crime.

14 (4) The breed of a dog shall not be a determining factor when
15 declaring a dog potentially dangerous or dangerous.

16 **Sec. 3.** RCW 16.08.080 and 2002 c 244 s 2 are each amended to read
17 as follows:

18 (1) Any city or county that has a notification and appeal procedure
19 with regard to determining a dog within its jurisdiction to be
20 dangerous may continue to utilize or amend its procedure. A city or
21 county animal control authority that does not have a notification and
22 appeal procedure in place as of June 13, 2002, and seeks to declare a
23 dog within its jurisdiction, as defined in subsection (7) of this
24 section, to be dangerous must serve notice upon the dog owner in person
25 or by regular and certified mail, return receipt requested.

26 (2) The notice must state: The statutory basis for the proposed
27 action; the reasons the authority considers the animal dangerous; a
28 statement that the dog is subject to registration and controls required
29 by this chapter, including a recitation of the controls in subsection
30 (6) of this section; and an explanation of the owner's rights and of
31 the proper procedure for appealing a decision finding the dog
32 dangerous.

33 (3) Prior to the authority issuing its final determination, the
34 authority shall notify the owner in writing that he or she is entitled
35 to an opportunity to meet with the authority, at which meeting the
36 owner may give, orally or in writing, any reasons or information as to
37 why the dog should not be declared dangerous. The notice shall state

1 the date, time, and location of the meeting, which must occur prior to
2 expiration of fifteen calendar days following delivery of the notice.
3 The owner may propose an alternative meeting date and time, but such
4 meeting must occur within the fifteen-day time period set forth in this
5 section. After such meeting, the authority must issue its final
6 determination, in the form of a written order, within fifteen calendar
7 days. In the event the authority declares a dog to be dangerous, the
8 order shall include a recital of the authority for the action, a brief
9 concise statement of the facts that support the determination, and the
10 signature of the person who made the determination. The order shall be
11 sent by regular and certified mail, return receipt requested, or
12 delivered in person to the owner at the owner's last address known to
13 the authority.

14 (4) If the local jurisdiction has provided for an administrative
15 appeal of the final determination, the owner must follow the appeal
16 procedure set forth by that jurisdiction. If the local jurisdiction
17 has not provided for an administrative appeal, the owner may appeal a
18 municipal authority's final determination that the dog is dangerous to
19 the municipal court, and may appeal a county animal control authority's
20 or county sheriff's final determination that the dog is dangerous to
21 the district court. The owner must make such appeal within twenty days
22 of receiving the final determination. While the appeal is pending, the
23 authority may order that the dog be confined or controlled in
24 compliance with RCW 16.08.090. If the dog is determined to be
25 dangerous, the owner must pay all costs of confinement and control.

26 (5) It is unlawful for an owner to have a dangerous dog in the
27 state without a certificate of registration issued under this section.
28 This section and RCW 16.08.090 and 16.08.100 shall not apply to police
29 dogs as defined in RCW 4.24.410.

30 (6) Unless a city or county has a more restrictive code
31 requirement, the animal control authority of the city or county in
32 which an owner has a dangerous dog shall issue a certificate of
33 registration to the owner of such animal if the owner presents to the
34 animal control unit sufficient evidence of:

35 (a) A proper enclosure to confine a dangerous dog and the posting
36 of the premises with a clearly visible warning sign that there is a
37 dangerous dog on the property. In addition, the owner shall

1 conspicuously display a sign with a warning symbol that informs
2 children of the presence of a dangerous dog;

3 (b) A surety bond issued by a surety insurer qualified under
4 chapter 48.28 RCW in a form acceptable to the animal control authority
5 in the sum of at least (~~two~~) one hundred (~~fifty~~) thousand dollars,
6 payable to any person injured by the dangerous dog; or

7 (c) A policy of liability insurance, such as homeowner's insurance,
8 issued by an insurer qualified under Title 48 RCW in the amount of at
9 least (~~two~~) one hundred (~~fifty~~) thousand dollars, insuring the
10 owner for any personal injuries inflicted by the dangerous dog.

11 (7)(a)(i) If an owner has the dangerous dog in an incorporated area
12 that is serviced by both a city and a county animal control authority,
13 the owner shall obtain a certificate of registration from the city
14 authority;

15 (ii) If an owner has the dangerous dog in an incorporated or
16 unincorporated area served only by a county animal control authority,
17 the owner shall obtain a certificate of registration from the county
18 authority;

19 (iii) If an owner has the dangerous dog in an incorporated or
20 unincorporated area that is not served by an animal control authority,
21 the owner shall obtain a certificate of registration from the office of
22 the local sheriff.

23 (b) This subsection does not apply if a city or county does not
24 allow dangerous dogs within its jurisdiction.

25 (8) Cities and counties may charge an annual fee, in addition to
26 regular dog licensing fees, to register dangerous dogs.

27 (9) Nothing in this section limits a local authority in placing
28 additional restrictions upon owners of dangerous dogs. This section
29 does not require a local authority to allow a dangerous dog within its
30 jurisdiction.

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